

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

SCOTT ANDREW WILLIAMS,

Petitioner,

v.

Warden SCOTT CRICKMAR,

Respondent.

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CIVIL ACTION NO. 5:13-CV-416 (MTT)

ORDER

Before the Court is the Recommendation of Magistrate Judge Stephen Hyles. (Doc. 12). The Magistrate Judge recommends granting the Respondent's motion to dismiss (Doc. 7) because the Petitioner did not file his 28 U.S.C. § 2254 petition within the one-year period of limitations and failed to establish entitlement to equitable tolling.

The Petitioner has filed an objection to the Recommendation. (Doc. 13). Pursuant to 28 U.S.C. 636(b)(1), the Court has considered the Petitioner's objection and made a de novo determination of the portions of the Recommendation to which the Petitioner objects.

The Recommendation is **ADOPTED** and made the **ORDER** of this Court. The Petitioner's petition is untimely. Further, the Petitioner has not made a substantial showing of the denial of a constitutional right pursuant to 28 U.S.C. § 2253(c)(2).

Therefore, the Respondent's motion to dismiss is **GRANTED**, and a certificate of appealability is **DENIED**.

SO ORDERED, this 28th day of April, 2014.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT